

REMARKS

Claim 2 has been canceled and presented as new claim 27 dependent upon independent claim 24.

The subject matter of claim 1 (as well as independent claims 3, 16, and 24) would not be obvious under the provisions of 35 U.S.C. § 103(a) in view of the disclosure of newly cited U.S. Patent No. 5,403,551 to Galloway et al.

Galloway et al. disclose a container 12 (FIG. 1) which is formed with a main chamber 18 with a side chamber or reservoir 34 located near the top of the main chamber 18. There are five bores or weep holes 36 that are formed in the oblique wall that constitutes the outer surface of the side reservoir (see FIGS. 2 and 7). A separate molded side cover 48 (FIG. 1) is designed to accommodate five thin layer chromatograph strips 46 connected top and bottom by cross strips 52, 60, and the loaded cover 48 is then affixed to the outer surface of the container (see column 4, lines 57-69). An inner partial cap 84 is glued or otherwise affixed to the upper entrance to the reservoir (column 5, lines 22-26), and this cap functions so that rotative manipulation of the main cap 28 opens a path between the main chamber 18 and the reservoir 34 (column 5, lines 67-68). Then, inversion of the sealed container 12 allows the bodily fluid to enter the reservoir through this open path and then slowly drain out of the container through the five weep holes 36.

It is submitted that this complex arrangement whereby a selectively open path to a side reservoir is provided in a chamber through which a portion of a body fluid sample can be supplied for drainage through five weep holes leading exterior of the container would not suggest Applicants simple, straightforward and effective specimen cup as distinctly claimed in claim 1. Applicant's specimen cup includes a container of uniform circular cross-section except for a recessed flat front wall, which container is made of transparent material. A receptacle is

provided inside of the container which is integrated with the interior surface of the container and which slidably receives a cassette containing chemical test strips. When the cassette is slidably received within the receptacle and resides totally within said container, it is located near the flat front wall so that test strips in the cassette can be viewed through a window in the flat front surface of the cassette. Moreover, the construction is such that the cooperating structures of the cassette and the receptacle allow slidable insertion of the cassette in only one orientation wherein the window faces the flat front wall so the test strips can be seen through the transparent flat front wall, while the test strips and cassette remain totally within the container. It is submitted that this simple, straightforward and effective arrangement is simply not suggested by the complex device of Galloway et al. wherein the chemical test strips are not inside of the container, but are instead disposed in a cover 48 which is affixed to the exterior surface of the container in a region below five weep holes 36 through which a small amount of the body fluid sample will drain, but only after the filled container is manipulated by cap rotation and then inversion to fill the side reservoir and then returned to its upright orientation. In contrast, to securing test strips in the side cover 48 and then adhesively securing the cover to the exterior of the container, Applicant's cassette is simply slidably inserted into the receptacle which accommodates it only with the window adjacent the interior surface of the flat front wall.

These distinguishing features of Applicant's specimen cup have been further emphasized by the additions to the claims to focus upon the simple slidable insertion of the cassette and the overall arrangement where the body fluid sample and the cassette are all securely sealed inside the container with the lid in place, with essentially zero potential for leakage.

Independent claims 3, 16 and 24 likewise contain these distinguishing recitations. Moreover, dependent claim 26 specifies the specific cooperating structures, and new claim 27

specifies the advantageous sloping of the bottom floor of the container toward the lower end of the cassette which is disposed inside of the container, as does dependent claim 17. In addition, independent claim 16 cites the novel dam structure which forms a pooling area that further increases this efficiency with which the fluid enters the open lower end of a cassette within the container.

In view of the foregoing amendments and remarks, reconsideration of the rejection of these claims based upon the complex and clearly divergent structure disclosed by Galloway et al. and allowance of the four independent claims and the claims dependent thereon are respectfully requested. It is believed that claims 1, 3-8, 11, 12, 16, 17, and 19-27 should now be in condition for allowance, and favorable action is courteously solicited.

Respectfully submitted,

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Date: June 21, 2006

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